

Disaster Debris Management Concept of Operations



**California Emergency Management Agency
Recovery Division
Technical Assistance Programs**

March 2010

This page left blank intentionally.

Table of Contents

I.	Purpose	5
II.	Goals	5
III.	Debris Types	5
IV.	Debris Removal Assistance	7
V.	Insurance Recovery	13
VI.	Appendix A	15
VII.	Appendix B	19
VII.	Appendix C	29

This page left blank intentionally.

I. Purpose

Debris removal is undertaken in order to remove threats to lives, public health and safety, remove the threat of significant damage to improved public or private property, or when it is necessary to permanently repair and restore damaged public facilities, and in some instances, private property.

II. Goals

The goal of the California Emergency Management Agency (Cal EMA) is to maximize state and federal disaster assistance funding and resources for impacted state and local governments while minimizing the debris load to landfills following a disaster.

Cal EMA staff can assist local governments in the creation of a comprehensive debris management plan that will identify jurisdictional characteristics, potential disaster types, event characteristics and the type and amounts of debris anticipated. Local emergency plans should be coordinated with solid waste planning to include debris management strategies, reuse and recycling opportunities, quantity estimations, landfill capacities, landfill class/type and potential temporary storage sites.

Successful debris planning efforts will result in more efficient use of limited resources, timely access to critical infrastructure available to state and local governments impacted by a disaster and environmentally safe solutions to debris issues.

III. Debris Types

The determination of the quantity and type of debris is critical to efficient and legally compliant debris management. Effective debris contracting, efficient Debris Management Sites, a timely determination that state and federal resources will be needed, and a reasonably accurate estimate of debris type quantities are essential.

In California these events and the resulting debris type(s) are shown in the table below.

Disaster Types	Debris Streams										
	Construction & Demolition (C&D)	Household Hazardous Waste (HHW)	Hazardous Waste	Vegetative	Personal Property (Household Items)	White Goods	Putrescent	Electronic Waste	Vehicles & Vessels	Soil, Mud & Sand	Sandbags
Wildfires	X	X	X	X	X	X		X	X	X	X
Floods	X	X	X	X	X	X	X	X	X	X	X
Earthquakes	X	X	X		X	X	X	X	X	X	
Tsunamis	X	X	X	X	X	X	X	X	X	X	X
Hurricanes/Typhoons	X	X	X	X	X	X	X	X	X	X	X
Tornadoes	X	X	X	X	X	X	X	X	X		
Severe Storms/High Winds	X	X	X	X	X	X	X	X	X	X	X
Acts of Terrorism*	X		X				X		X	X	
Ice Storms			X	X							

Human Remains

Unfortunately, catastrophic events often result in human deaths. It is not uncommon for there to be many people unaccounted for and believed to be buried under the event debris. The recovery of these remains must be conducted in a dignified and respectful manner that is integrated with the debris stream processing. The remains should be considered biohazardous, handled with appropriate protective equipment, and contained in a manner as to minimize the spread of biological contaminants. Remains should be recovered at the debris site to the maximum extent practical. For more information, please see *Appendix A – Human Remains Handling (2010 USACE Haiti Debris Management Plan)*.

* **Crime Scene Debris Removal** - It is essential for public safety, and for purposes of crime scene investigation that the site of a terrorist incident is secured during the initial response, and maintained during the recovery operation. For more information on how to conduct debris removal at a crime scene refer to *Appendix B – Debris Removal from a Crime Scene (Federal Department of Homeland Security – Oklahoma Bombing)*.

IV. Debris Removal Assistance

Local Disaster/Emergency

There is no State or Federal assistance and/or funding for debris removal under a local disaster/emergency without a Governor's State of Emergency Proclamation.

State Disaster/Emergency

In order for a local government to request State assistance for debris management, there must be a Local Declaration of Emergency. This is defined as "The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake... or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat..." (Section 8558(c), Chapter 7 of Division 1 of Title 2 of the Government Code)

The Local Proclamation of Emergency must be issued by:

- The governing body of a city, county, or city and county, or
- An official designated by an adopted local ordinance (e.g., police/fire chief, director of emergency services).

The purpose of a Local Proclamation:

- Authorizes the undertaking of extraordinary police powers.
- Provides limited immunity for emergency actions of public employees and governing bodies.
- Authorizes the issuance of orders and regulations to protect life and property (e.g., curfews).
- Activates pre-established local emergency provisions such as special purchasing and contracting.
- Prerequisite for requesting a Governor's Proclamation of a State of Emergency and/or a Presidential Declaration of an Emergency or Major Disaster.

Deadlines:

- Issuance: Within 10 days of the occurrence of a disaster if assistance will be requested through the California Disaster Assistance Act (CDAA).
- Ratification: If issued by official designated by ordinance, must be ratified by governing body within 7 days.

Renewal:

- Local proclamations must be reviewed by the governing body at least once every thirty days until terminated.
- Governing body must terminate the local emergency at the earliest possible date that conditions warrant.

- No review to exceed 21 days from last review.

Termination:

- At the earliest possible date that conditions warrant.

Notification Process:

- Local governments should notify the Operational Area (OA) and provide a copy of the local emergency proclamation to the OA as soon as possible.
- OA shall notify their Cal EMA Region and provide a copy of the proclamation as soon as possible.
- Cal EMA Region will notify the Cal EMA State Warning Center (CSWC) who will notify the Cal EMA Agency Secretary and Directors. Cal EMA Region shall be the primary contact with the local jurisdiction for updates on any requests for assistance.
- Cal EMA Agency Secretary (or designee) will respond in writing to the local government concerning the status of any requests for assistance included within the local proclamation or accompanying correspondence.

Agency Secretary's Concurrence:

Purpose:

- Under the California Disaster Assistance Act (CDAA), Cal EMA, at its discretion, can provide financial assistance to repair and restore damaged public facilities and infrastructure.

Deadline:

- Cal EMA must receive a request from the local government within 10 days of the incident.

Supporting Information Required:

- Local Emergency Proclamation, Initial Damage Estimate (IDE) prepared in the Response Information Management System (RIMS), and a request for state disaster assistance from the City Mayor or Administrative Officer, or County Board of Supervisors.

Funding for Debris Removal:

- No State funding is provided for debris removal under an Agency Secretary's Concurrence.

Governor's Proclamation:

Purpose:

- Provides Governor with powers authorized by the Emergency Services Act (ESA); authorize Cal EMA Agency Secretary to provide financial relief under CDAA for emergency actions and restoration of public facilities and infrastructure; is a prerequisite for requesting a Presidential Declaration of a Major Disaster or Emergency.

Deadline:

- Cal EMA must receive the request from a local government within 10 days of the incident.

Supporting Information Required:

- Local Emergency Proclamation, IDE prepared in RIMS, and a request for state and/or federal disaster assistance from the City Mayor or Administrative Officer, or County Board of Supervisors.

Authority:

Debris removal shall be considered necessary when removal will:

- Eliminate immediate threats to life, public health, and safety;
- Eliminate immediate threats of significant damage to improved public or private property; or,
- Be necessary for the permanent repair, restoration, or reconstruction of damaged public facilities.

Funding for Debris Removal:

- CDAA is used for State-only events and on certain critical projects where the Federal Emergency Management Agency (FEMA) fails to provide sufficient funding.
- Under CDAA the State cost share is 75 percent with locals covering the remaining 25 percent of eligible debris removal activities.

Debris Removal Operations

Debris Removal from Public Right-of-Way

- Local government must create a debris management plan for the disaster.
- Disaster debris removed from the public right-of-way or from bins placed in the public right-of-way is, for the most part, eligible whether funded by the State or FEMA.
- Debris must be disaster related and is generally separated by type.
- Monitors are needed for this process to ensure the public is complying and that there is no illegal dumping.

Debris Removal from Private Property

- To be eligible for funding, local government must have State approval for a private property debris removal program before removing the debris.
- Local government must demonstrate an immediate threat to the public health and safety from the debris.
- Local official must determine, and provide the basis of the determination, that removal of debris from private property is necessary to remove and/or reduce the immediate threat to the public health and safety.
- Local government must create a private property debris management plan for the disaster.

Ineligible Debris

- Debris that does not pose a threat.
- Vehicles (cars, boats, RVs, etc.).
- Swimming pools.
- Old tires, batteries or equipment (tractors, etc.).
- Foundations (unless approved by State).

State Conducted Debris Removal Operation

Authority:

- Conducted only under Governor’s Proclamation and/or Executive Order.
- Must be an extenuating circumstance (i.e., risk to a significant State asset such as Lake Tahoe).

Funding for Debris Removal:

- Under CDAA the State cost share is 75 percent with locals covering the remaining 25 percent of eligible debris removal activities.
- Disaster Response Emergency Operations Account (DREOA) is a 100 percent State fund with no cost share by locals.
 - There are limitations to this fund, which may be an impediment to a large debris removal project.
 - There is a 120-day limit on the spending authority.

State Debris Management Resources

The following is a summary of some examples of assigned responsibilities. This list is provided to identify types of state agencies typically available to provide various debris management tasks.

Agency/Company	Responsibility/Assistance
Air Resources Board, California	Promotes and protects public health, welfare and ecological resources through the effective and efficient reduction of air pollutants while recognizing and considering the effects on the economy of the State.
Boating & Waterways, Department of	Provides boating education, safety, law enforcement, consumer protection, environmental, and aquatic weed control programs for the benefit of the boating community.
California Conservation Corps (CCC)	Protects and restores California’s environment and responds to disasters.
Conservation, Department of	Provides services and information that promote environmental health, economic vitality, informed land-use decisions and sound management of our State’s natural resources.
California Environmental Protection Agency (CalEPA)	Provides technical assistance and oversight on State environmental issues.
Fish and Game, Department of (DFG)	Maintains native fish, wildlife, plant species and natural communities.
Forestry & Fire Protection, Department of (CalFire)	Protects the property and resources of California.
California Highway Patrol (CHP)	Promotes the safe and efficient movement of people and goods throughout California, and minimizes exposure of the public to unsafe conditions resulting from emergency incidents and highway impediments.
Insurance, Department of	Regulates the rates and practices of insurance companies, agents, and brokers in the State.

California Resources Recycling and Recovery, Department of (Cal Recycle)	Provides technical assistance and oversight on State landfill sites and recycling of debris.
Office of Environmental Health Hazard Assessment	Protects and enhances public health and the environment by scientific evaluation of risks posed by hazardous substances.
California Natural Resources Agency	Protects and manages the State's natural, historical and cultural resources.
Transportation, Department of (Caltrans)	Clears debris from key transportation routes in the State.
Toxic Substances Control, Department of	Protects the public health and the environment from hazardous materials.
Water Resources, Department of (DWR)	Manages the water resources of California in cooperation with other agencies.
State Water Resources Control Board	Develops and enforces water quality objectives and implementation plans that will best protect the State's waters.

Federal Disaster/Emergency

Presidential Declaration of an Emergency:

Purpose:

- Supports response activities of the federal, State and local government.
- Authorizes federal agencies to provide “essential” assistance including debris removal, temporary housing, and the distribution of medicine, food, and other consumable supplies.

Deadline:

- Governor must request on behalf of local government within 5 days after the need for federal emergency assistance is apparent.

Supporting Information Required:

- All of the supporting information required above and a Governor’s Proclamation, certification by the Governor that the effective response is beyond the capability of the State, confirmation that the Governor has executed the State’s emergency plan, information describing the State and local efforts taken in response to the emergency, and identification of the specific type and extent of federal emergency assistance needed.

Funding for Debris Removal:

- Available only if Category A (debris removal) is included in the Emergency Declaration.
- FEMA generally funds 75 percent of the eligible debris removal activities.
- CDAA is authorized to cost share the remaining 25 percent on a 75 percent State (18.75 percent) / 25 percent local (6.25 percent) split.
- Cal EMA has authority to request Direct Federal Assistance (DFA) from federal government through FEMA.
 - o DFAs require a 25 percent cost share.
 - o The requirement for such a request is that State and local governments lack the capability to perform or to contract for eligible emergency work.
 - o These resources are only available up to 60 days from the date of federal declaration.

- o An additional 60 days may be approved by the Federal Coordinating Officer if warranted with supporting justifications.
- o Federal technical assistance resources are requested at no cost to State and local agencies.

Presidential Declaration of a Major Disaster:

Purpose:

- Supports response and recovery activities of the federal, State, and local government and disaster relief organizations. Authorizes implementation of some or all federal recovery programs including public assistance, individual assistance and/or hazard mitigation.

Deadline:

- Governor must request federal declaration of a major disaster within 30 days of the incident.

Supporting Information Required:

- All of the supporting information required above and a Governor's Proclamation, certification by the Governor that the effective response is beyond the capability of the State, confirmation that the Governor has executed the State's emergency plan, information describing the State and local efforts taken in response to the emergency, and identification of the specific type and extent of federal aid required.

Funding for Debris Removal:

- FEMA generally funds 75 percent of the eligible debris removal activities.
- CDAA is authorized to cost share the remaining 25 percent on a 75 percent State (18.75 percent) / 25 percent local (6.25 percent) split.
- For most major federally declared disasters during the past 20 years, special State legislation has passed waiving the local share.
- The passing of Assembly Bill 2140 in 2007 requires counties to have adopted FEMA approved Local Hazard Mitigation Plans into their General Plan in order to be eligible for the local cost share waiver.
- Cal EMA has authority to request Direct Federal Assistance (DFA) from federal government through FEMA.
 - o DFAs require a 25 percent cost share.
 - o The requirement for such a request is that State and local governments lack the capability to perform or to contract for eligible emergency work.
 - o These resources are only available up to 60 days from the date of federal declaration.
 - o An additional 60 days may be approved by the Federal Coordinating Officer, if warranted, with supporting justifications.
 - o Federal technical assistance resources are requested at no cost to State and local agencies.

Debris Removal Operations

Debris Removal from Public Right-of-Way

- Local government must create a debris management plan for the disaster.
- Disaster debris removed from the public right-of-way or from bins placed in the public right-of-way is, for the most part, eligible whether funded by the State or FEMA.

- Debris must be disaster related and is generally separated by type.
- Monitors are needed for this process to ensure the public is complying and that there is no illegal dumping.

Debris Removal from Private Property

- To be eligible for funding, local government must have State and FEMA approval for a private property debris removal program before removing the debris.
- Local government must demonstrate an immediate threat to the public health and safety from the debris.
- Local official must state that removal of debris from private property is necessary to remove and/or reduce the immediate threat to the public health and safety.
- Local government must create a private property debris management plan for the disaster.

Ineligible Debris

- Debris that does not pose a threat.
- Vehicles (cars, boats, RVs, etc.).
- Swimming pools.
- Old tires, batteries or equipment (tractors, etc.).
- Foundations (may be eligible under CDAA).

Federal Debris Management Resources

In addition to the State resources previously mentioned, the following is a list of Federal agencies typically available to provide various debris management tasks.

Agency/Company	Responsibility/Assistance
Federal Emergency Management Agency (FEMA)	Provides funding for and debris management teams to assist with debris removal operations.
Federal Highway Administration (FHWA)	Provides funding to Caltrans and local governments for debris removal on federal aid routes.
Natural Resources Conservation Service (NRCS)	Provides expertise in soil science and leadership for soil surveys.
U.S. Environmental Protection Agency (US EPA)	Provides technical assistance regarding debris removal operations.
U.S. Army Corps of Engineers (USACE)	Provides technical assistance and/or staff regarding debris removal operations. Can conduct and/or contract debris removal operations upon authorization from FEMA.
U.S. Coast Guard (USCG)	Contains and cleans up debris and hazardous materials in coastal zones.

V. Insurance Recovery

In many instances, debris removal for both public and private activities is covered by conventional insurance. In order to avoid a duplication of benefits, local governments must recover from property owners any insurance proceeds designated for debris removal:

- Local governments must check policies to determine coverage.

- Homeowner's insurance policies often cover structures, fences, and playground equipment.
 - o Usually do not cover vegetative debris.
 - o Homeowners should consider using insurance funds to pay for the removal of debris that is not eligible for federal or state reimbursement. This can include:
 - ♦ Concrete slabs
 - ♦ Foundations
 - ♦ Sidewalks
- The responsibility for collecting the insurance coverage, whether it is for public or private activities, rests with the applicant.
- The right-of-entry and release from liability document should include a requirement for the homeowner to forward insurance proceeds to the applicant (see Appendix C for example).

USACE

Haiti Earthquake Debris Management Plan – Appendix 7

HUMAN REMAINS HANDLING

Introduction

This Appendix discusses some of the processes associated with recovery and disposition of Human Remains. The remains of many people are unaccounted for and many are still trapped in the rubble. Recovery of human remains in a dignified and respectful manner must be integrated with the debris stream processing. Remains should be recovered at the rubble site to the maximum extent practical. However, human remains may be encountered either at the disaster debris collection point or at a debris processing / staging site where transported debris is separated and processed. It should be noted that animal remains pose similar health hazards, and that the same safety and health requirements should be applied as appropriate when handling animal remains.

Health Risks Associated with Human Remains

There is no direct risk of contagion or infectious disease from being near human remains for people who are not directly involved in recovery or other efforts that require handling dead bodies. The sight and smell of decay are unpleasant, but they do not create a public health hazard.

From the public health perspective of lowering the risk of possible infectious disease transmission, there is no requirement for mass burials or cremation. Response workers should assist local communities to identify a safe location for holding remains awaiting identification. This location should be shielded from public view if possible, and remains should be protected from scavenging animals.

For people who must directly handle remains, such as recovery personnel, or persons identifying remains or preparing the remains for burial or cremation, there can be a risk of exposure to blood-borne viruses such as hepatitis B virus (HBV) and HIV, as well as bacteria that cause diarrheal diseases, such as shigella and salmonella. For all others, blood and body fluid exposures are minimal, and the risk of contracting HBV is very low; the risk of contracting hepatitis C virus or HIV approaches zero. Transmission is relatively inefficient for these diseases, requiring percutaneous exposure (from a needle stick or exposure from a sharp penetrating object); direct contact with mucous membranes (such as eyes, nose, or mouth); or direct contact with non-intact skin (abraded, chapped, inflamed, or with visible wounds or traumas). Exposures on intact skin are not a risk for these blood borne infections.

Because a corpse will commonly leak feces, persons handling the deceased are more likely to be exposed to gastrointestinal organisms than to blood borne viruses. Workers may be exposed through direct contact with the victim's body and soiled clothes, and transmission can occur via the fecal-oral route. Contamination of other equipment, such as stretchers and vehicles used for transportation or storage, is also possible. However, common gastrointestinal organisms do not

survive long in the environment and present little risk of infection where the body has been decaying for some time, or has been in the water.

These viruses and bacteria do not pose a risk to someone walking nearby, nor do they cause significant environmental contamination. Bacteria and viruses from human remains in flood water are a minor part of the overall contamination that can include uncontrolled sewerage, a variety of soil and water organisms, and household and industrial chemicals. There are no additional practices or precautions for flood water related to human remains, beyond what is normally required for safe food and drinking water, standard hygiene and first aid.

Human Remains Safety and Health Precautions

Workers who handle human remains should use the following precautions:

- Wear protective clothing appropriate for preventing blood penetrating to underlying skin/clothing.
- Protect the face from splashes of body fluids and fecal material. Use a plastic face shield or a combination of eye protection (indirectly vented safety goggles are a good choice if available; safety glasses will only provide limited protection) and a surgical mask. In extreme situations, a cloth tied over the nose and mouth can be used to block splashes.
- Protect the hands from direct contact with body fluids, and also from cuts, puncture wounds, or other injuries that break the skin that might be caused by sharp environmental debris or bone fragments. Fluid-proof gloves (e.g., latex, nitrile, rubber) should be used and covered with heavy-duty work gloves if there is a potential for cuts and abrasions (e.g., moving debris). Footwear should similarly protect against sharp debris.
- Do not wear Personal Protective Equipment (PPE) or clothing that has been damaged or has been penetrated by body fluids. Decontaminate equipment before reuse; do not reuse gloves or other disposable PPE
- Follow universal precautions, including washing any areas of the body or clothing that becomes contaminated with blood or bodily fluids. Maintain hand hygiene to prevent transmission of diarrheal and other diseases from fecal materials on hands. Wash hands with soap and water immediately after removing their gloves. In the absence of soap and water, use an alcohol-based hand cleaner after glove removal. However, wash hands with soap and water as soon as feasible.
- Give prompt care--including immediate cleansing with soap and clean water, and a tetanus booster if indicated--to any wounds sustained during work with human remains. Report any injuries and exposures to body fluid to a supervisor.
- In addition to guarding physical safety, participate in available programs to provide psychological and emotional support for workers handling human remains. Agencies coordinating the management of human remains are encouraged to develop programs

providing psychological and emotional support and care for workers during and after recovery activities.

- Hepatitis B vaccination will help prevent infection and will be 70 percent to 80 percent effective within one week of exposure. Those with a prior bacille Calmette-Guérin (BCG) vaccination may have some protection against tuberculosis, and tuberculin testing may be an appropriate follow-up measure.
- If available, use body bags to contain remains as they will further reduce the risk of infection and are useful for the transport of cadavers that have been badly damaged. However, body bags reduce the rate of cooling of the cadaver, thus increasing the rate of decomposition, especially in hot climates. If available, refrigeration can reduce the rate of decay and facilitate identification.

References and Additional Information

For additional information regarding health risks related to human remains see:

- Pan American Health Organization web site at:
<http://www.paho.org/English/DD/PIN/pr040923.htm>
- World Health Organization web site at:
http://www.who.int/hac/techguidance/ems/flood_cds/en
- Centers for Disease Control and Prevention at:
<http://emergency.cdc.gov/disasters/handleremains.asp>
- U.S. Army Center for Health Promotion and Preventative Medicine Fact Sheet 37-032-0905, *Handling of Human Remains from Natural Disasters*:
<http://chppmwww.apgea.army.mil/documents/fact/37-032-0905.pdf>
- U.S. Army Center for Health Promotion and Preventative Medicine Technical Guide (TG) 195, *Guidelines for Protecting Mortuary Affairs Personnel from Potentially Infectious Materials*:
<http://chppm-www.apgea.army.mil/documents/fact/37-032-0905.pdf>

This page left blank intentionally.

DEBRIS REMOVAL FROM A CRIME SCENE

This information comes from a document prepared by the federal Department of Homeland Security. It was created from interviews conducted with personnel who responded to the Alfred P. Murrah Federal Building (Murrah Building) Attack, including Federal Bureau of Investigation (FBI), Oklahoma City, Oklahoma (OK) Fire Department, and State of Oklahoma Division of Emergency Management. (March 9-10, 2005). While the emphasis of this section is focused on a Weapon of Mass Destruction (WMD) incident, it is applicable to other terrorist events where debris is part of a criminal investigation.

Introduction and Purpose

It is essential for public safety, and for purposes of crime scene investigation that the site of a WMD incident is secured during the initial response, and maintained during the recovery operation. The purpose of this document is to help local governments establish methodologies to be utilized at a crime scene that focus on law enforcement concerns such as site security and the safeguarding of evidence. The early response phase of a critical incident must prioritize public safety and responder safety. The securing of or collection of evidence should never be prioritized higher. However, the scene and the evidentiary possibilities must be safeguarded while simultaneously meeting the life safety objectives. The large quantities of debris generated by a WMD and/or terrorist incident can be a logistical problem for planners. It is important to have an understanding that the debris must actually be considered evidence until the lead law enforcement agency has declared it clear of evidentiary possibilities. As debris is removed in order to meet the rescue and recovery objectives, it should be handled in a secure fashion. Typically, in a small scale crime scene, evidence recovery does not begin until the rescue and recovery phase of the operation is complete. However, in a large scale critical incident, the large amount of evidentiary debris to be removed and processed creates the need for operations to run concurrently with first responders rescue and recovery operations. A timely investigation, including evidence collection, should begin as promptly as possible. A lengthy recovery phase could cause a significant delay. Small scale crime scenes typically do not present this amount of debris or this situation. Incident command is critical to managing these multiple objective operations. This chapter addresses law enforcement agency responsibilities, and security and evidentiary issues of debris management during the rescue and recovery phases of the WMD debris operation.

Lead Agency

When a WMD incident occurs, many local, State, and federal law enforcement agencies will respond and play significant response and investigative roles. However, only one law enforcement agency will be named the lead law enforcement agency. In matters of the investigation of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, Homeland Security Presidential Directive/HSPD-5 grants lead responsibility to the Attorney General. The Attorney General will usually designate the FBI as the lead investigative agency. While other local, State, and federal agencies will play significant roles in the investigation, case management decisions will be made

by the FBI. This includes decisions regarding WMD evidence management, collection, and preservation. Local law enforcement roles generally include perimeter establishment and security, control of site access, escorting transported debris, and assisting the FBI in the collection, preservation, and documentation of evidence.

Role of the FBI

The FBI is typically not considered a first responder asset, but rather a follow-on asset that will begin management of the investigation and the crime scene. It is the responsibility of the first responder community to make the initial response, initiate search and rescue operations, establish scene security, and implement life safety measures. However, for larger cities the Bureau may be among the first responders, as it was for the Oklahoma City Bombing. In the attack on the Murrah Building, the FBI office was in close proximity to the bomb site, and a substantial number of agents were immediately at the site actively engaged in the recovery effort (Reference). It is paramount that the FBI interface with the on-scene first responder community in order to meet Bureau objectives and yet not disrupt the ongoing operations of police, fire, and EMS personnel. In order to properly interface with the first responder assets, the FBI will operate within two management structures. These are: 1) Joint Operations Center (JOC), and 2) as a component of the Incident Command System (ICS)/Incident Management System (IMS). Both allow for appropriate interface with local agencies.

Joint Operations Center (JOC)

The JOC is the FBI-led coordination center for crisis management, and is typically located away from the incident site(s). The JOC is a multi-agency center from which the investigative needs of the incident are addressed. It is critical that local agencies also have a presence in the JOC.

Incident Command System/Incident Management System ICS/IMS

The ICS/IMS is the task level management structure for incident management concerning the event. The FBI will have representation in several functional areas of ICS/IMS, including a senior level Bureau Official in Unified Command, and FBI operational assets in the Operations Section. It is critical for local, State, and federal agencies operating within the ICS/IMS to liaison with FBI assets in their respective areas. Multiple incident sites will require additional ICS/IMS functions, and each will have FBI representation as required.

Pre-planning and training have significant positive impacts on the command response to major incidents. Oklahoma City first responders had a response drill just weeks prior to the bombing of the Murrah Building. Pre-event planning and periodic training/exercise participation to validate plans is essential for success. Training and exercises should include all other area responders as appropriate.

FBI Operations

The FBI Field Office having geographic jurisdiction will have lead authority for the investigation. FBI evidence recovery operations will take place in coordination with Public

Safety Officials in the Unified Command function of ICS/IMS to ensure emergency operations are completed without conflict with life safety activities.

The FBI may engage the services of internal response assets to assist in evidence collection and management. The FBI Evidence Response Team (ERT) from the FBI Field Office having geographic jurisdiction, will have lead authority in the collection of evidence from the terrorism incident site and from any remote recovery site. The FBI Hazardous Materials Response Unit (HMRU) and Hazardous Materials Response Team (HMRT) personnel will facilitate the collection of contaminated evidence from the incident site, and any remote recovery site in coordination with the ERT having jurisdiction.

The HMRU will establish a Safety Officer at the incident site and any remote recovery site to address all FBI safety concerns. The HMRU will develop a Site Safety Plan for all FBI operations. The FBI site safety plan will encompass the specific FBI operation, FBI personnel, and others assigned to FBI operations. This site safety plan will be coordinated with the overall site safety plan, but will be site and mission specific to FBI operations.

The evidence recovery operation will be conducted utilizing standard FBI ERT evidence collection procedures. Any WMD evidence destined for laboratory analysis will be collected under the auspices of the FBI HMRU Science Program. The WMD evidence will be packaged for safe transport and transported by the HMRU.

Maintaining Integrity of Crime Scene

Initial site security is initiated by the local response. A perimeter is established in the course of protecting the public and giving adequate space for response workers, equipment, and vehicles. This original perimeter will be maintained or possibly expanded by local law enforcement with regard to protecting the outer limits of the crime scene. Planning must begin early to strengthen this perimeter with physically durable materials such as chain link or other fencing.

Perimeter Establishment and Enforcement

An outer perimeter will be established at the initial site. This outer perimeter should be large enough to guarantee the integrity of the site. The crime scene must be protected so that no external parameters are allowed to impact it or the procedures conducted within it. An inner perimeter will be established around the actual crime scene, to include the farthest piece of evidence from the incident site. The inner perimeter location is initially determined by local law enforcement personnel unless the FBI is among the first responders in which case it will be done jointly. Additional inner perimeters or zones may also be created as necessary to separate specific work areas or break areas. The area between the inner and outer perimeter will be utilized for ICS/IMS operations, staging, logistics, planning, and other incident related activities.

Some initial sites may have adequate space to allow for the creation of evidence (debris) processing sites within the inner perimeter. In most cases, this is not possible and arrangements must be made to transport evidence (debris) to an offsite location for processing. In this event, both inner and outer perimeters must also be established for any remote work sites associated with evidence processing and recovery.

Entry into the inner perimeter will often require donning of appropriate personal protective equipment. This requirement should be strictly enforced by the Site Safety Officer. Logging name, date, and time of entry through a controlled check point is also required. This includes vehicles. This controlled check point is generally the first point where responders are required to wear the appropriate personal protective equipment (PPE) to make entry. This control should be monitored and maintained within the inner perimeter for responder safety. Failure to properly wear the PPE according to the site specific safety plan should cause the removal of the offending responder(s) from the work area by the Site Safety Officer. An accountability system for inner perimeter responders should also be utilized for responder safety.

At the Murrah Building in Oklahoma City, three ringed perimeters were initially established which encompassed security for the various command posts and Unified Command. Media were contained within the outermost perimeter. The inner two ringed perimeters were both totally secured with only one ingress/egress for first responders, i.e. fire, law enforcement, and EMS to include hospital/triage.

At the Pentagon 9-11 site, three ringed perimeters were also established. The outer perimeter contained parking for responders' vehicles, food, beverage, restrooms, and other support for responders and a credentialing station. The second perimeter allowed for individual agency forward command tents, equipment, and responders assigned to shifts. This perimeter utilized one ingress/egress point. The inner perimeter required specific work assignments and required the wearing of PPE. The ingress/egress point was tightly controlled by a safety officer to ensure responder accountability and the proper use of appropriate PPE. Entries into the inner perimeter were coordinated with Incident Command so as not to interfere with operational tasks and to provide for the safety of the crime scene responders.

In the early days of the World Trade Center (WTC) response, perimeter establishment and security was addressed by the New York Police Department (NYPD). The National Guard eventually took over the responsibility of perimeter security from NYPD. Managing the objectives of the various response agencies through a Unified Command, is necessary to minimize confusion about giving access to perimeters to authorized personnel.

Site Access and Credentialing

The size of the perimeter and the number of responders make perimeter security a difficult task. Unauthorized individuals and media personnel will attempt to penetrate the perimeters. Planning should include efforts to establish appropriate resources to provide for on-scene credentialing for all personnel. With multiple agencies responding to assist in the recovery efforts, a common identification system is most secure and may be more efficiently monitored by security personnel. A credentialing point should be located outside of the outer perimeter and easily accessible by responding agencies. Color codes or other identifying marks may be utilized to represent approved work zones for an individual. An additional layer of security may be added by marking identification with specific codes for each day to minimize counterfeiting ID's. The entry and exit of the outer perimeter should be made at designated control points. Name, date, and time of entry or exit should be logged at these control points to include vehicles as discussed previously for the inner perimeter. The Murrah Building site and the Pentagon 9-11 site both

utilized a credentialing system that provided for a standardized identification card with photo for each responder. Color codes on the identification cards dictated the authorized work areas for that responder. The media at the Murrah Building site were also vetted and issued identification with limited access to the outer perimeter.

Credentialing of responders at WTC was necessary due to the overwhelming number of out of town responders self-dispatching to the area. Once a credentialing system was in place, issued credentials clearly stated what areas of the site an individual had authority to enter.

Media access into the perimeter must be approved by the JOC, and access will be by law enforcement escort only. The inner perimeter should not be made available to the media. Any other special requests for site access should go through the JOC for approval. The JOC may also establish no-fly zones through the Federal Aviation Administration to further secure the perimeter from unauthorized access

Evidence Collection and Preservation

Chain of Custody

Chain of custody technically begins once an item has been collected. As debris is removed from a site for transport to another site for processing, it is technically being collected at that point in time. Any transport of collected debris should be documented well so that a chain of custody of the material may be established. Documentation should contain the names of equipment and truck operators, date, time, and work zone. The debris that is transported should be accompanied by, or monitored by a law enforcement officer until it has been delivered to a remote secure site where custody is transferred. This transport includes all means of transport including use of waterways. A more specific chain of custody will begin once an item has been located in the debris, and then tagged, and logged according to FBI ERT protocols.

At the Murrah Building site, almost immediately after being identified as a terrorist incident, the FBI was designated as the lead investigative agency. The Federal Rules of Evidence were applied to the collection of evidence and documentation of the scene. Chain of custody, receipt and logging of evidence, and scene documentation were all specifically designated responsibilities. Training on process procedures and methodology was given before anyone was assigned to a search team. This included fire, EMS, and hospital personnel.

At the WTC site, evidence collection procedures were established immediately between the FBI and NYPD Crime Scene Unit. Evidence logs, chain of custody logs, photo logs, and victim/remains logs were implemented. After several days, computer databases and bar code systems were put into place. Manual logs continued as back up documentation.

Evidentiary Processing and Debris Considerations

Transport of debris with evidentiary possibilities should be tracked so chain of custody may be established. Evidence located and collected at the original site should be logged, tagged, and secured at a designated evidence receiving area on location. The remote processing site will have its own log and evidence receiving area. Planning should include the establishment of a

receiving point to secure large quantities and varying sizes of evidence. An offsite warehouse that can be secured by law enforcement twenty-four hours a day is a good option. Another option is large storage containers that may be moved by truck or train at a later time. Law enforcement will have final approval to transition debris from an evidence status to a clear debris status. This approval is made by the FBI through the JOC.

In Oklahoma City, the debris was trucked from the Murrah Building site to the searching and sifting site which was located at the Oklahoma County Firearms Range in a secured area which was identified as non-contaminated. Large sifter/shakers used in ore mining operations were brought in for evidence recovery and only post blast scene, trained personnel were utilized for this process. Transport trucks and drivers were vetted and trained on what they could and could not do during the transportation process, and all were escorted by local police. Investigators were positioned at each debris removal point to observe for evidence during the loading process. Debris was moved by Public Works and contracted labor to the county gun range. The Oklahoma County Sheriffs Office provided the debris security.

The Pentagon 9-11 site was large enough to maintain the debris removed from the Pentagon on location within the secure perimeter. Of course, there was significantly less debris to be processed at this site as compared to the Murrah Building site or the WTC site.

At the WTC site, debris was moved with heavy equipment and trucked to an alternate location, the Fresh Kills Landfill in Staten Island, to be further processed for evidence. Security at this alternate site was provided by the NYPD. The loads of debris were trucked to the site under police escort. Teams of detectives and FBI Agents raked through debris fields created by mechanical sifters and searched for evidence and remains. Eventually, the New York City Department of Sanitation (DSNY) made it possible to carry debris by barge. Escorted trucks of debris would dump onto barges which would dump back to trucks near the landfill. The trucks would then haul the debris to the landfill for processing. This delivery process was under police escort and observation.

In some cases, remaining post blast structures must be imploded. The additional debris created by this action must be removed and protected from looters. In most cases, imploded debris has no evidentiary value. Care should be taken to keep the exploded and imploded debris separate. At the Murrah site, a thick mylar plastic was used to cover the entire area where searching was incomplete to protect the potential evidence and to identify the area remaining to be searched. After implosion, the debris, down to the plastic layer was removed to a different secondary site which was secured from public access, but not secured as evidence. The decision to implode the Murrah building was made after search day eleven. At that time, chances of a live rescue were severely limited, and the structure of the remaining building was considered unsafe for responders.

Contamination Considerations (CBRN): Non-conventional

A non-conventional WMD incident brings on additional, significant concerns and considerations. Downrange operations within the inner perimeter are likely to require high levels of PPE, training, and OSHA certification to work there. This will include all responders, equipment operators, truck drivers, and visitors. This will significantly slow down all operations. Work

times downrange will be severely reduced, bulky, hot PPE will tire responders and workers more quickly and they will require longer rehabilitation. Decontamination of victims, personnel, debris, and evidence will be required. Debris that will be transported to offsite locations must be appropriately containerized prior to leaving the inner perimeter (hot zone). Also, the receiving facility for remote operations must approve the receipt of hazardous materials. In effect, the development of an offsite processing area creates a new, hazardous area requiring all the safety considerations as for the initial site. Early sampling for lab analysis will provide identification of contaminants which will aid in determining PPE requirements and decontamination decisions and in the development of safety plans regarding the movement and placement of the hazardous debris. Incident Commanders have access to specially trained National Guard assets for non-conventional incidents to support hazardous materials operations. These support units are Civil Support Teams (CST). They have been equipped and trained to perform detection, collection, mitigation, and presumptive on site analysis at chemical, biological, radiological, and nuclear incidents. A CST may be requested by the Incident Commander through the Governor.

Debris at the WTC site that was trucked or moved by barge was covered in order to containerize the materials. The barges and trucks were also sprayed down with water prior to transport to reduce the airborne dissemination of potentially hazardous particulates.

Human Remains Recovery

As in any crime scene, human remains are considered evidence. However, the Medical Examiner that has jurisdiction in that area has ultimate control and authority over the remains. It is important to the identification, and cause of death objectives of the Medical Examiner, and to the investigative needs of the FBI that the remains' location and other information pertaining to it are adequately documented. Planning to meet this objective should include the Medical Examiner, the FBI, and local/State law enforcement personnel. In WMD incidents, much of the human remains will be located and recovered in small amounts. These remains are typically recovered as found in biological containers or biological bags without a physical response from the Medical Examiner. However, information on location, collector, date, and time will be documented as dictated by the Medical Examiner's recovery plan. When intact or somewhat recognizable remains or larger segments of remains are located, the Medical Examiner, or their designee will be notified, and escorted to the remains for documentation and collection. The Medical Examiner will take custody of all remains, regardless of size. Planning should occur through the Medical Examiner for securing a refrigerated location near or on site to receive human remains on a daily basis. All remains, regardless of size, need refrigerated storage.

Normally, it is the responsibility of the Medical Examiner to initiate chain of custody and identification of bodies and human remains. At the Murrah site, fire personnel would escort a Medical Examiner representative to intact human remains when located in the debris. The Medical Examiner's representative would document location, date, time, name of collector, photograph, start chain of custody, and remove the body. Law enforcement personnel were assigned to the morgue to secure evidence recovered from the remains and to establish and maintain the chain of custody for that evidence. A temporary morgue was established in refrigerated trucks for initial processing. More complete processing was conducted at the Medical Examiner's Office.

Human remains contaminated with WMD material create additional contamination issues. Decontamination of intact remains is a possibility. However, there is a concern as to the loss of evidence on or lodged inside the remains. Decontamination of partial remains would be extremely difficult. Most decontamination solutions could also damage the DNA analysis utilized for identification of the remains. The type of contamination on the remains would also be a determinant in the type of decontamination necessary and how harmful it will be to the DNA analysis. This decision is one to be made by hazardous materials professionals, the Medical Examiner, and the FBI in order to prioritize and meet objectives. Temporary refrigerated storage may be necessary (refrigerated trailers) to continue morgue operations.

Personal Property Recovery and Release

The lead law enforcement agency, FBI, through the JOC will ultimately decide what debris or other items are cleared for return to appropriate owners. Once all evidentiary possibilities have been considered for a particular item, a decision to release the items may be made. If the item is contaminated by a WMD material, further testing will be required. Generally, law enforcement and fire departments will not be available for the decontamination of personal property. Hazmat clean up contractors may be available to perform decontamination procedures at the owner's expense. The contractors would then follow up with surety testing to provide data that the items were in fact decontaminated. Ultimately, it is the responsibility of the Public Health Department to review the data and give final approval for the release of any contaminated property. This is the procedure utilized for the release of contaminated buildings and residences as well.

Personal property from the Murrah site such as jewelry and money was also tracked through the Medical Examiner's Office with an accounting of valuable items by evidence technicians. Vehicles that were part of the crime scene were processed for evidence (vehicles contained blast fragmentation) and retained as evidence. Any items removed from the scene as personal property, evidence, or property of other government agencies must be documented. During the trial of Timothy McVeigh for the bombing of the Murrah Federal Building, the defense challenged the removal of items from the scene that were not documented on official evidence or property logs. Certain federal agencies that were housed in the Murrah Building removed some of their training devices and secure equipment from the debris. This type of property return had not been documented appropriately and created an issue for the prosecution. The defense alleged that the Federal Government was attempting to secretly remove "devices" from the crime scene. All property, evidentiary or not, that is removed from the debris should be well documented. See Chapter 7, Recovery and Disposition of Human Remains and Personal Property for additional information.

Operational Security (OPSEC)

Employment of a WMD may result in classified items becoming mixed within the debris. The Murrah Building in Oklahoma City housed office space for the Bureau of Alcohol Tobacco, and Firearms (BATF), and The United States Secret Service (USSS). Many items from gun vaults, and evidence vaults and case file rooms were lying unsecured within 1-2 blocks of the building. The Pentagon had many unsecured safes containing classified information that were left open upon evacuation. As first responders discover these items and situations, a procedure is required such that these items may be immediately secured. Immediate notification and retrieval by an

agency representative works well. Any agencies with potential exposure of classified documents or items should have a representative to make recovery on-site as well as a representative located in the JOC.

Each federal agency that had a presence in the Murrah Building also had a presence within the initial task force infrastructure. As classified or sensitive items or documents were recovered, they were immediately turned over to their respective agency representative. This must be documented as well.

Checklist

- Establish Incident Command/Unified Command, and begin immediate interfacing with other local, State, and federal responders.
- Secure outer and inner perimeters. Begin to locate large quantities of adequate fencing to strengthen the perimeter.
- Local law enforcement and FBI should establish evidence collection, and documentation processes, and protocols early on. This should include a database for data storage and retrieval.
- Establish a credentialing system, both equipment and operators. Locate an offsite area for this purpose, and designate that site as the reporting location for additional follow-on responders from other jurisdictions (local, State, and federal, etc.) Discourage responding agencies from reporting directly to the incident site. In-processing is required first.
- Locate a secure offsite location for debris to be stored and processed. Hazardous vs. non-hazardous debris is a consideration for location. It may be necessary to locate storage containers or warehouse space to store collected evidence.
- Procure heavy equipment and operators. The operators may need evidence awareness training or other specialized training such as certifications to work in a hazardous environment, or to utilize the equipment to perform search and rescue operations.
- Assist Medical Examiner's Office in locating additional space for morgue operations such as refrigerated trailers or other cold space. Coordinate with the ME's office for human remains documentation and recovery plan.

This page left blank intentionally.

RIGHT-OF-ENTRY PERMIT

(For providing Debris Removal and Clean-up on Private Property)

_____ (“Owner”), hereby permits the City of San Diego, its officers, employees, agents, contractors and subcontractors (“City”), to enter upon Owner’s property commonly identified as _____, City of San Diego, State of California (“Premises”) upon the following terms and conditions:

1. Grant of Right-of-Entry. Owner hereby grants City a right-of-entry (“Permit”) onto, over, in, and under the Premises for the purpose of inspecting the Premises, testing materials on the Premises, removing and clearing any or all fire-generated debris of whatever nature including but not limited to ash, foundations, vehicles, appliances, waste or other materials from the Premises, subject to the terms and conditions set forth in this Permit. It is fully understood that this Permit does not create any obligation on the part of City to perform inspection, testing or debris removal and clearance. Owner understands that the City will undertake no inspection, testing, or debris removal and clearance action until this Right-of-Entry Permit is completed in full, signed by Owner, and returned to the City.

2. Private Insurance Coverage. Most homeowner insurance policies include coverage to pay for the costs of removal of wildfire-generated debris. Owner agrees to cooperate with the City throughout the insurance claims process as set forth below:

(a) Insurance Policy Information. Check one: The Premises (____ were, ___ were not) insured at the time of the fire.

If the Premises were insured, all of the information listed below must be provided. If the Premises were insured by more than one policy, the information listed below must be provided for each policy. Attach additional sheets if necessary:

Policy holder(s): _____

Insurance company name: _____

Insurance policy number: _____

Insurance company address for claims: _____

Agent's name and address: _____

Agent's phone number: _____

Has the insurer been notified of this loss? _____(yes or no)

If so, when was notice provided? _____

How and where was notice provided? _____

(b) Owner agrees to provide to City a complete copy of this policy as soon as possible.

(c) Owner agrees to provide to City a copy of any claim or loss statement tendered to insurer when that statement is provided to the insurer.

(d) Owner agrees to provide to City a copy of any settlement statement or agreement within five days after that statement or agreement is received from insurer.

(e) Owner agrees not to enter into any confidentiality agreement with insurer that would impede the ability of Owner to provide the information set about above.

(f) Owner agrees that City may request copies of any insurance policy, claim or loss statement, or settlement statement or agreement directly from insurer or from Owner's attorney. Owner hereby instructs his or her insurer and attorney to provide such documents directly to City at City’s request.

If Owner indicated in 2(a) above that the Premises were not insured, Owner certifies under penalty of perjury that there was no insurance in effect at the time of the fire which may provide coverage for the costs of inspection, testing or debris removal and clearance.

3. Prohibition on Duplication of Benefits. Owner understands that, pursuant to federal law, if Owner receives federal financial assistance to cover the costs of inspection, testing or debris removal and clearance, Owner will be required to reimburse such federal financial assistance to the extent those costs are covered by Owner's insurance policy or some other source. (42 USC §5155, et seq.)

Owner (_____ has, _____ has not) and (_____ will, _____ will not) receive(d) any compensation for inspection, testing, and/or debris removal and clearance from any other public source including Small Business Administration (SBA), individual and family grant program, or any other public assistance program.

4. Insurance Proceeds.

(a) City's Limited Right to Reimbursement from Insurance Proceeds. Owner will advise City in writing within 10 days of Owner's receipt of any insurance settlement proceeds for fire-related inspection, testing, or debris removal and clearance. Owner further agrees to reimburse the City, within 30 days of Owner's receipt of such insurance proceeds, for the cost of the inspection, testing, and debris removal and clearance conducted by the City. In the event the insurance proceeds fairly allocated or awarded for the cost of fire-related inspection, testing, or debris removal and clearance are less than the costs of inspection, testing, and debris removal and clearance incurred by the City, Owner will not be responsible for the difference. If the insurance proceeds for the cost of fire-related inspection, testing, or debris removal and clearance exceed the City's cost of inspection, testing, and debris removal and clearance, City will have no right to any such excess proceeds.

(b) Audit. Owner understands that all disaster-related funding, including that for inspection, testing, or debris removal and clearance on private property is subject to audit.

5. Hold Harmless. City shall not be liable for, and Owner shall indemnify and hold harmless City, the United States Government, the Federal Emergency Management Agency (FEMA), the State of California and any of their officers, agencies, agents, contractors, subcontractors, employees, and volunteers, against any and all claims, deductibles, self-insured retentions, demands, liability, judgments, awards, fines, mechanics' liens or other liens, labor disputes, losses, damages, expenses, personal injury, charges or costs of any kind or character, including attorneys' fees and court costs (hereinafter collectively referred to as "Claims"), which arise out of or are in any way connected to actions arising out of this Permit, and hereby release, discharge and waive any claims and actions, in law or equity, arising therefrom.

6. Notice of Hazards. Owner is aware that the following **circled** items were present on the Premises immediately prior to the October 2007 wildfires:

Propane tanks

Acetylene cylinders

Compressed gas cylinders

Guns

Ammunition

Hazardous substances

Septic tanks

Underground storage tanks

Other known hazards (describe): _____

The above-circled items were located in the following areas of the Premises (describe locations): _____

7. Special Requests. If Owner desires that any item(s) not be removed from the Premises pursuant to this Permit, Owner shall clearly mark those items in advance of the commencement of debris removal and clearance activities on the Premises. However, should the City determine that some or all of such items should be removed from the Premises and disposed of for health and safety reasons, Owner agrees that the City is authorized to remove and dispose of those items without compensation or other obligation to Owner.

8. No City Assumption of Liability for Remediation. In consideration of the assistance City is providing to Owner under the Permit, at no cost to Owner, City assumes no liability or responsibility, and Owner shall not seek to recover from City, the United States Government, FEMA, the State of California or any of their officers, agencies, agents, contractors, subcontractors, employees, and volunteers, the costs of remediating any damages to the Premises incurred as a result of acts or omissions taken pursuant to this Permit.

9. City's Agents. Any person, firm, corporation or other entity authorized by the City to work upon the Premises pursuant to this Permit shall be deemed to be City's agent, including but not limited to the California Environmental Protection Agency and its contractors, and shall be subject to all applicable terms of this Permit.

10. Authority. Owner represents and warrants that Owner has full power and authority to execute and fully perform Owner's obligations under this Permit. If Owner is an entity, Owner also represents and warrants that Owner has such power and authority pursuant to its governing instruments, without the need for any further action, and that the person(s) executing this Permit on behalf of Owner are the duly designated agents of Owner and are authorized to do so. Owner expressly represents and warrants that fee title to the Premises is vested solely in Owner.

11. Entire Agreement. This Permit constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings and representations, oral or written, are superseded.

12. Modification. The provisions of this Permit may not be modified, except by a written instrument signed by all parties to this Permit.

13. Partial Invalidity. If any provision of this Permit is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Permit shall not be affected thereby. Each provision shall be valid and enforceable to the fullest extent permitted by law.

14. Successors & Assigns. This Permit shall bind and benefit the parties and their successors and assigns, except as may otherwise be provided herein.

15. Notices. Any notice required hereunder shall be provided as follows:

For the City:

Name: Sylvia M. Castillo P.E.

Department: Environmental Services Department

Address: 9601 Ridgehaven Court #310

San Diego CA 92123

Phone number: (858) 518-7837

For the Owner:

Name: _____

Address #1: _____

Address #2: _____

Phone number: _____

Cell phone number: _____

Work phone number: _____

Email address: _____

IN WITNESS WHEREOF, Owner and City have executed this Permit as of the date and year set forth below.

<p>CITY: CITY OF SAN DIEGO, A Municipal Corporation By: _____ Name: _____ Title: _____ Date: _____</p>	<p>OWNER: Property Address: By: _____ (Owner's signature) Print Name: _____ Title if applicable: _____ Date: _____</p>
---	---